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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,544	02/20/2002	Christoph Keller	20649-06610	4300

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EXAMINER

TADESSE, YEWEBDAR T

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/081,544

Applicant(s)

KELLER ET AL.

Examiner

Yewebdar T Tadesse

Art Unit

1734

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Objections*

1. Claim 2 is objected to because of the following informalities: claim 2 has a typographic error - see the typo "l ocated" (lines 10-11). Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Shutic et al (US 5,078,084). With respect to claim 1, Shutic et al discloses (see Figs 1-4 and Abstract) a compartment for powder coating workpieces (a powder coating booth 12 for coating large objects 32) which are conveyed through an aperture (booth inlet 12) for the workpieces (32) in an end wall (22, 24) and coated automatically (automatic spraying area 48) inside the compartment in which negative pressure can be generated (exhaust fan 68 creating negative pressure within the powder collection system and the spray booth 12); at least one manual coating station (manual spraying area 46, see particularly Fig 2) being arranged beyond and adjacent the aperture as seen in conveying direction of the workpieces (32).

As to claim 2, in Shutic et al the manual coating station (manual spraying area 46) is located upstream of aperture (booth inlet 12).

As to claims 7-8, Shutic et al discloses (see Figs 2 and 4) a manual coating station (manual spraying area 46) comprising a standing floor (16) and a rear wall (side walls 42 and 44) disposed parallel to the conveying direction of the workpieces (32), and wherein the standing floor is capable of being freely accessed from the side opposite the rear wall (since the manual spraying area is provided with a relatively large cross sectional area). In Shutic et al the roof (ceiling 14) of the manual coating station is capable of being integrated to the side wall (44 and 42) and leaving free the conveying direction for the workpieces (32) into and through the compartment (booth 12).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shutic et al (US 5,078,084) as applied to claim 1 above and further in view of Kramer et al (US 6,187,098). Shutic et al is silent concerning a closeable door for the inlet of the coating booth. However, a closable door used to uphold the air entrained powder behind closed doors in non-operation state is well known in the art; for instance – Kramer et al discloses (see Fig 1 and column 6, lines 44-47) door-shaped gates for the cabin 1. It would have been obvious at the time the invention was made to include a door for the coating booth of Shutic et al to sustain the coating powder within the booth when cleaning operation of the inner wall is performed as taught by Kramer et al.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shutic et al (US 5,078,084) as applied to claim 1 above and further in view of Domicent (US 4,231,289). Shutic et al is silent concerning lamps mounted on the outside of the coating compartment. However, lamps provided outside of a coating booth are well known in the art to avoid the need for special flameproof light fixture; for instance – Domicent discloses (see Fig 1, column 1, lines 9-18 and Abstract) externally mounted lighting fixtures (17 and 18) for the painting booth. It would have been obvious at the time the invention was made to include lamps mounted outside of the coating

compartment of Shutic et al to not interfere with the installation of other devices in the booth, such as air filters as taught by Domicent.

***Allowable Subject Matter***

8. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: As to claims 3-5, Williams et al (US 5,023,116) discloses a painting apparatus comprising two manual touch up booths (14) after two automatic painting booths (12). William et al does not disclose a compartment for powder coating workpieces, which are coated automatically inside the compartment, wherein a manual coating station located upstream of a first aperture and another manual coating station is provided downstream of a second aperture for the workpieces in a second end wall of the compartment. Prior art of record does not disclose or suggest a compartment for powder coating comprising, among others, another manual coating station provided downstream of a second aperture for the workpiece in a second end wall of the compartment.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T Tadesse whose telephone number is (703) 305-3539. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Rembold G. G.*  
YTT  
May 30, 2003

*Richard Crispino*  
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